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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,080	03/07/2001	Natalino Giorgio Busa	NL000133	5082

24737 7590 08/18/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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GERSTL, SHANE F

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on 03 May 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 *Fed. Reg.* 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be resubmitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other: \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other: \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: What may be additions to the claims have not been identified with underlining and a deletion may be a deletion from the previous non-compliant amendment.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Since the non-compliant amendment is a reply to a **NOTICE OF NON-RESPONSIVE AMENDMENT** applicant is given a TIME PERIOD of ONE MONTH from the mailing of the **PREVIOUS NOTICE** within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

1. Claim 1 uses the words "A" and "a" in lines 1 and 4 but these words are not in the original filing of the claims (which is the only entered version of the claims). If these terms are meant to be additions then they must follow the revised amendment practice and be underlined.
2. Claim 4 deletes the phrase "[/or the]" from line 13 of the claim, however this phrase did not exist in the original filing of the claims. Applicant may be trying to delete a phrase from the non-compliant (and thus non-entered) amendment filed 22 March 2004, and thus the Applicant must submit the amendment reflecting changes to the most recent entered claims, which in this case are the original claims presented.
3. Claim 6 of the amendment does not contain the phrase "according to which method" and no indication of the phrase's deletion has been given. The flyer states that the text of all claims must be listed.
4. Claim 6 also uses the characters "[/or for]", which was not presented in the original claims. If it is meant for the characters "/or for" to be deleted then the guidelines of the revised amendment practice must be followed and the characters should be deleted using a strikethrough or **double** brackets (emphasis added).
5. Applicant is reminded that a response to this second notice of non-responsiveness was due one month from the original notice mailed 01 April 2004, which would have been 03 May 2004. Though this time has passed, Applicant may purchase up to five more months of additional response time,

pursuant to 37 CFR 1.136(a), which would make the latest response date 01 October 2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane F Gerstl whose telephone number is (703)305-7305. The examiner can normally be reached on M-F 6:45-4:15 (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (703)305-9712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SFG  
August 10, 2004

Shane F Gerstl  
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Art Unit 2183

  
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